

STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL

IN RE:	:	
	:	
APPLICATION OF CELLCO PARTNERSHIP	:	DOCKET NO. 347
D/B/A VERIZON WIRELESS FOR A	:	
CERTIFICATE OF ENVIRONMENTAL	:	
COMPATIBILITY AND PUBLIC NEED FOR	:	
THE CONSTRUCTION, MAINTENANCE	:	
AND OPERATION OF A WIRELESS	:	
TELECOMMUNICATIONS FACILITY AT	:	
THE GAYLORDSVILLE VOLUNTEER FIRE	:	
DEPARTMENT, NEW MILFORD,	:	
CONNECTICUT	:	APRIL 16, 2008

SUPPLEMENTAL POST-HEARING BRIEF OF  
CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS

I. FACTUAL BACKGROUND

On September 14, 2007, Cellco Partnership d/b/a Verizon Wireless ("Cellco"), filed with the Connecticut Siting Council ("Council") an Application for a Certificate of Environmental Compatibility and Public Need pursuant to Section 16-50g et seq. of the Connecticut General Statutes for the construction, maintenance and operation of a wireless telecommunications facility on property owned by the Gaylordsville Volunteer Fire Department ("GVFD") at 700 Kent Road in New Milford, Connecticut (the "Property"). (Cellco Exhibit 1 ("Cellco 1")). The proposed GVFD telecommunications facility (the "GVFD Facility") would provide much needed coverage to Cellco customers along Routes 7 and 55, as well as local roadways in the northwesterly portion of New Milford. (Cellco 1, pp. 1-2 and 7).

The GVFD Facility would also support GVFD emergency service antennas. GVFD radio equipment would be installed near the base of the tower within the equipment compound. The

GVFD emergency service radio equipment will tie into the existing communications dispatch center located in the GVFD station house approximately 100 feet to the southwest of the proposed tower location. (Cellco 1, pp. 2 and 10; Tab 1, Project Plans; Cellco Admin. Notice 1).

In addition to the GVFD, the proposed tower would be used to enhance emergency service communications for the New Milford Police Department and Ambulance Services. The Town's emergency service communications needs are well documented in a recently prepared report entitled Communications Center Project and Radio System Needs Assessment (the "Needs Assessment") prepared by the Town's communications consultant Oliver Associates. (Cellco Admin. Notice 1). This Needs Assessment specifically identifies the proposed Cellco tower in Gaylordsville, describing it as "an important part of the [Town's] combined [communications] system . . ." (Cellco Admin. Notice 1, p. 14; Cellco 6, p. 5).

The Council commenced a public hearing on the application on December 18, 2007, and continued the hearing on January 23, 2008. Prior to the close of the January 23, 2008 hearing, the Council and legal counsel for the parties and intervenors discussed certain testimony related to positions taken by representatives of the GVFD regarding its ability to utilize the GVFD Facility or a telecommunications facility at an alternative location. To address these issues, after the close of the January 23, 2008 hearing, Cellco submitted an Affidavit from Karl Fuchs, Captain of the Gaylordsville Volunteer Fire Department (the "Fuchs Affidavit") regarding the GVFD Facility. (Cellco Exhibit 12). The Fuchs Affidavit was submitted to the Council on March 26, 2008. To address due process concerns raised by an intervenor in the proceeding, the Council reopened the Docket No. 347 hearing on March 26, 2008, for the limited purpose of giving this intervenor the right to cross-examine Captain Fuchs.

A. The Fuchs Affidavit

During the course of the Docket No. 347 hearing, a significant amount of testimony focused on the potential use of an existing CL&P transmission line structure located immediately north of the GVFD property (CL&P Site Location No. 7) as an alternative to the GVFD site. In its evaluation of this alternative site location the Council considered both the use and expansion of the existing transmission line support structure, as well as the possibility of constructing a new tower site within the existing CL&P right-of-way. This alternative site location was considered by Cellco. Cellco's RF Engineers determined that a 100-foot tall tower at CL&P Location No. 7 could satisfy its coverage objectives in the Gaylordsville area. (Cellco 11; 1/23/08 Tr., pp. 66 and 111). Evidence in the record however, indicates that, for a number of reasons the use of a CL&P transmission structure or simply its transmission line right-of-way is less desirable than the proposed tower location at the GVFD property.

In his affidavit, Captain Fuchs states that the GVFD would not utilize the Cellco telecommunications facility if that structure were made a part of the CL&P transmission line system due principally to the fire department's need for 24/7 access to its emergency service antennas. (Cellco 12). As the Council is aware, CL&P requires a complete shutdown of existing transmission lines prior to the installation and/or maintenance of any telecommunications equipment attached to a transmission line structure. Each transmission line shutdown requires significant lead times and would result in significant delays and restrictions on accessing emergency service communications antennas. (1/23/08 Tr., pp. 165-166).

In addition, Captain Fuchs stated that the GVFD would, in all likelihood, not utilize a telecommunications tower structure in the Gaylordsville area unless that structure was built on the GVFD property. Captain Fuchs admitted under cross examination that the use of a remote

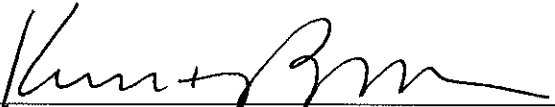
tower, while technically feasible, was not preferred. Utilizing a remote location, either a separate tower in the CL&P right-of-way or on a separate parcel altogether, would require the GVFD to incur significant, unanticipated costs that would not exist if the tower were approved as proposed in Docket No. 347. These additional costs would include, among other things, the installation of the wiring to connect the GVFD radio equipment to the fire station dispatch office and the acquisition of easements and property rights to install the connecting system. To a volunteer fire department, on a limited budget, these costs are significant. (3/26/08 Tr., pp. 22-23).

## II. CONCLUSION

The telecommunications tower and related facility proposed in Council Docket No. 347 was designed for two principal purposes. First, the tower facility would provide Cellco customers with wireless service along portions of Routes 7 and 55 in the northwesterly portion of New Milford and the northerly portion of the Town of Sherman. Second, the site would provide a platform for emergency service antennas of the GVFD and the Town of New Milford, as contemplated in the Town's Radio Communications Needs Assessment. Logic dictates and evidence in the Docket No. 347 record supports a finding that the best possible location for the proposed telecommunications facility is on the property owned by the Gaylordsville Volunteer Fire Department.

For these reasons and the reasons previously stated in the Applicant's Post-Hearing Brief,  
we respectfully request that the Council approve the Docket No. 347 Application as proposed.

Respectfully submitted,  
CELLCO PARTNERSHIP D/B/A VERIZON  
WIRELESS

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### CERTIFICATION

This is to certify that on this 16<sup>th</sup> day of April, 2008, a copy of the foregoing was mailed,  
postage prepaid, to the following:

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